



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

**COPY MAILED**

**NOV 22 2006**

**OFFICE OF PETITIONS**

CLARK & ELBING LLP  
101 FEDERAL STREET  
BOSTON, MA 02110

In re Patent No. 7,041,807 :  
Issued: May 9, 2006 : DECISION ON APPLICATION FOR  
Application No. 09/602,775 : PTA and NOTICE OF INTENT  
Filed: June 23, 2000 : TO ISSUE CERTIFICATE OF  
Atty. Dkt. No.: 50111/002002 : CORRECTION

This decision is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d)," filed July 13, 2006 (certificate of mailing date of July 10, 2006).

The request for reconsideration of patent term adjustment (PTA) is **GRANTED**.

The above-identified application matured into U.S. Patent No. 7,041,807 on May 9, 2006. The instant request for reconsideration was timely filed July 13, 2006 in accordance with 37 CFR 1.705(d). The patent issued with a PTA of 342 days. Patentees argue that the adjustment accorded the patent was improperly reduced 62 days in connection with the "Reply to Notice of Allowance" filed March 9, 2006.

A review of the application history reveals that the adjustment was improperly reduced 62 days, as argued by patentees, in connection with the "Reply to Notice of Allowance" filed March 9, 2006. The Office has found that papers related to comments on the examiner's statement of reasons for allowance do not constitute failures to engage in reasonable efforts to conclude prosecution. See, MPEP 2732. See, also, 1247 Off. Gaz. Pat. Off. 111 (June 26, 2001).

In view thereof, at the time of issuance, the patent was entitled to an adjustment of 404 days, as argued by patentees.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 404 days.

Receipt is hereby acknowledged of the required application fee of \$200.00.



Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

*Kery A. Fries*

Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

CC: Draft Certificate of Correction



UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,041, 807 B1

DATED : May 9, 2006

INVENTOR(S) : Cashman, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 342 days

Delete the phrase "by 342 days" and insert – by 404 days--



Day : Tuesday  
Date: 11/21/2006

# **PALM INTRANET**

Time: 15:19:39

## PTA Calculations for Application: 09/602775

Application Filing Date:	06/23/2000	PTO Delay (PTO):	778
Issue Date of Patent:	05/09/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	436
Post-Issue Petitions:	0	Total PTA (days):	404
PTO Delay Adjustment:	62		

## File Contents History

Number	Date	Contents Description	PTO	APPL	START
84	11/21/2006	ADJUSTMENT OF PTA CALCULATION BY PTO	62		
79.5	04/19/2006	PTA 36 MONTHS	108		
79	05/09/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
78	03/21/2006	EXPORT TO FINAL DATA CAPTURE			
77	03/20/2006	DISPATCH TO FDC			
76	03/09/2006	MISCELLANEOUS INCOMING LETTER		62	
75	03/16/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
74	03/09/2006	ISSUE FEE PAYMENT VERIFIED		2	67
73	03/07/2006	FINISHED INITIAL DATA CAPTURE			
72	03/09/2006	ISSUE FEE PAYMENT RECEIVED			
71	03/01/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
70	02/27/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
69	12/22/2005	SEQUENCE FORWARDED TO PUBS ON TAPE			
68	12/12/2005	EXPORT TO INITIAL DATA CAPTURE			
67	12/07/2005	MAIL NOTICE OF ALLOWANCE	166		58
66	12/01/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
65	11/14/2005	NOTICE OF ALLOWABILITY			
64	02/24/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
63	09/22/2005	REQUEST FOR REFUND			
62	02/24/2005	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
61	02/24/2005	REFERENCE CAPTURE ON IDS			



60	02/24/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
59	10/14/2005	DATE FORWARDED TO EXAMINER			
58	02/24/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)			
57	10/14/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
56	02/24/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
55	04/11/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		46	58
54	02/24/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
53	09/21/2004	MAIL ADVISORY ACTION (PTOL - 303)			
52	09/17/2004	ADVISORY ACTION (PTOL-303)			
51	09/13/2004	PETITION DECISION - GRANTED			
50	08/04/2004	DATE FORWARDED TO EXAMINER			
49	07/22/2004	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
48	07/22/2004	NOTICE OF APPEAL FILED		93	39
47	07/22/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	07/22/2004	PETITION ENTERED			
42	07/22/2004	WORKFLOW INCOMING PETITION IFW			
41	05/27/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
40	05/20/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	01/20/2004	MAIL FINAL REJECTION (PTOL - 326)			
38	01/12/2004	FINAL REJECTION			
37	10/10/2002	NEW OR ADDITIONAL DRAWING FILED			
36	10/10/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	34
35	10/29/2003	DATE FORWARDED TO EXAMINER			
34	10/10/2003	RESPONSE AFTER NON-FINAL ACTION		93	32
33	10/10/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	04/09/2003	MAIL NON-FINAL REJECTION			
31	04/07/2003	NON-FINAL REJECTION			
30	02/10/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	28



29	02/20/2003	DATE FORWARDED TO EXAMINER			
28	02/10/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
27	01/09/2003	MAIL RESTRICTION REQUIREMENT	504		-1
26	01/08/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
25	11/03/2002	CASE DOCKETED TO EXAMINER IN GAU			
24	05/07/2002	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
23	05/02/2002	DATE FORWARDED TO EXAMINER			
22	04/16/2002	RESPONSE TO A LETTER TO COMPLY WITH THE SEQUENCE RULES		82	18
21	03/12/2002	MAIL INCOMPLETE RESPONSE TO SEQUENCE RULE REQUEST			
20	03/11/2002	INCOMPLETE RESPONSE TO SEQUENCE RULE REQUEST			
19	02/28/2002	DATE FORWARDED TO EXAMINER			
18	01/24/2002	RESPONSE TO A LETTER TO COMPLY WITH THE SEQUENCE RULES		58	15
17	01/24/2002	REQUEST FOR EXTENSION OF TIME - GRANTED			
16	02/19/2002	CRF DOES NOT MATCH APPLICATION SPECIFICATION -- APPLICANT MUST CORRECT			
15	08/27/2001	MAIL LETTER REQUIRING CRF (UNREADABLE, NON-COMPLIANT, NOT SUBMITTED)			
14	08/27/2001	CRF DISKETTE UNREADABLE / DID NOT COMPLY / REQUIRED BUT NOT SUBMITTED			
13	03/21/2001	CASE DOCKETED TO EXAMINER IN GAU			
12	01/08/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	01/05/2001	CASE DOCKETED TO EXAMINER IN GAU			
10	11/27/2000	APPLICANT HAS FILED A VERIFIED STATEMENT OF SMALL ENTITY STATUS IN COMPLIANCE WITH 37 CFR 1.27			
9	11/27/2000	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
8	12/05/2000	APPLICATION DISPATCHED FROM OIPE			
7	12/05/2000	APPLICATION IS NOW COMPLETE			
6	08/21/2000	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
5	08/18/2000	CORRESPONDENCE ADDRESS CHANGE			
4	07/24/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	07/18/2000	CRF IS GOOD TECHNICALLY / ENTERED INTO			



		DATABASE			
2	06/23/2000	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
1	06/23/2000	INITIAL EXAM TEAM NN			

Search Another: Application#

**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

To go back use Back button on your browser toolbar.

Back to [PALM](#) | [ASSIGNMENT](#) | [OASIS](#) | [Home page](#)